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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,527	05/15/2006	Yves Decoster	ETF-0045	3003
23413 7590 08/28/2008 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER				
PATEL, FUNAM				
ART UNIT		PAPER NUMBER		
2855				
MAIL DATE		DELIVERY MODE		
08/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,527

Applicant(s)

DECOSTER, YVES

Examiner

PUNAM PATEL

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. (US 2003/0098792) in view of Steindl et al. (R. Steindl, A. Pohl, F. Seifert, "Impedance loaded SAW-sensors offer a wide range of measurement opportunities," in *Proc. IEEE MTT-S*, Anaheim, CA 1999, pp. 1453-1456. Accessible online at: <http://ieeexplore.ieee.org/iel5/6330/16934/00780223.pdf?arnumber=780223>>).

With respect to Claims 1, 11, 13, and 14, Edwards et al. disclose a seat occupancy detector comprising:

a pressure detection device comprising at least one pressure sensitive switching device (#220 and ¶ 19, wherein more than one switching device may be used) associated with a surface of a seat (#102A-B) and an RF transmitter (#26) electrically connected with the pressure sensitive switching device (¶s 20-21, wherein the switching device, the controller, and the transmitter are all electrically connected and that a control signal based on the state of the switch activates/deactivates the transmitter); and

a control unit (#34) with an RF receiver (#32) for remotely communicating with the pressure detection device.

Edwards et al. disclose utilizing any wireless transmitter that can output RF signals (§ 21), but fails to explicitly teach a surface acoustic wave (SAW) resonator with antenna.

Steindl et al. teach electrically connecting SAW transponders to conventional resistive type pressure sensors/switches (Abstract; pg. 1453, col. 2; and Fig. 9) for wireless sensor readout (I. Introduction, wherein the transponder outputs an RF signal). The SAW transponder comprises at least two resonators (pg. 1455, IV. Hybrid Sensors & Pressure and temperature sensor, wherein one of the IDT reflectors measures wherein temperature effects, such as a time scaling of the sensors response, to the SAW device) and an antenna (Fig. 3). It is understood in the art the oscillation frequency of the device is dependent upon environmental temperature, strain/stress experienced by the substrate, etc.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize as the RF transmitter coupled to the pressure sensitive switch and the controller of Edward et al., a SAW transponder comprising resonators and an antenna, as disclosed by Steindl et al., in order because the SAW transponder is a passive device, thus requiring no additional power source, and it offers a better resolution (Steindl et al., pg. 1456, col. 2).

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see pp. 6-7, filed 07/25/2008, with respect to the rejection(s) of claims 1, and 11-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Edwards et al. (US 2003/0098792).

Edwards et al. in view of Steindl et al.

With respect to applicant's arguments that Steindl et al. "does not teach a dedicated pressure sensor that is connected to a surface acoustic wave (SAW) device in a manner that activates the SAW device when the dedicated pressure sensor is triggered", Steindl et al. provides the teaching of a SAW device utilized as an RF transmitter and that such a transmitter can be connected to a pressure sensitive switch. Edwards et al. teaches a dedicated pressure sensor that triggers/activates an RF transmitter/antenna via a control unit. Note, that Applicant's claim 1 broadly states that the dedicated pressure sensor is electrically connected to a SAW device, therefore, Edwards et al.'s arrangement of the pressure sensitive switch, control unit, and transmitter reads on Claim 1. While the Applicant's Specification and Claim 12 disclose the specific type of electrical connection between the two devices, such limitations are not read into Claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PUNAM PATEL whose telephone number is (571)272-6794. The examiner can normally be reached on Monday to Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Lefkowitz/
Supervisory Patent Examiner, Art Unit 2855

PP
08/26/2008